

## ELEVENTH DAY.

Senate Chamber,  
Austin, Tex., Monday, Jan. 25.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Bailey.	Kerr.
Boren.	Lewis.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yett.

Absent.

Beall.	Stafford.
Linn of Wharton.	Stone.
Neal.	Yantis.
Ross.	

Excused.

Atlee.	Linn of Victoria.
Greer.	Rogers.

Prayer by the Chaplain, Rev. F. S. Jackson.

On motion of Senator Wayland, the Senate took a recess for thirty minutes.

## AFTER RECESS.

Roll called.

No quorum, the following Senators answering to their names:

Bailey.	Kerr.
Boren.	Lewis.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yett.

Absent.

Beall.	Stafford.
Linn of Wharton.	Stone.
Neal.	Yantis.
Ross.	

Excused.

Atlee.	Linn of Victoria.
Greer.	Rogers.

On motion of Senator Gough, the Senate adjourned until 3 p. m.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Bailey.	Kerr.
Boren.	Lewis.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yett.

Absent.

Beall.	Stafford.
Linn of Wharton.	Stone.
Neal.	Yantis.
Ross.	

Excused.

Atlee.	Linn of Victoria.
Greer.	Rogers.

Senators Stone and Neal appearing, a quorum was announced, and

Pending the reading of the Journal of Saturday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Woods, Senator Yantis was excused from attendance on the Senate on Monday (to-day), Tuesday and Wednesday, on account of important business.

On motion of Senator Terrell,

Senator Ross was excused for to-day and tomorrow, on account of important business.

On motion of Senator Harrison.

Assistant Secretary Dodson was excused for to-day and to-morrow on account of important business.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 23, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 13, a bill to be entitled "An act to abolish the unorganized counties of Buchel and Foley, and to incorporate their territory into the county of Brewster; to provide for the payment of certain bonds held by the State against such unorganized counties out of funds now held to their credit, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODS, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 14, a bill to be entitled "An act to amend articles 4978, 4983, 4986, 4987, 4990, 4991, 4992, 4993 and 4996 of title CII, chapter 5, of the Revised Civil Statutes of Texas,"

And find the same correctly engrossed.

GOUGH, Chairman.

#### HOUSE MESSAGE.

House of Representatives,  
Austin, Texas, Jan. 25, 1897.

Hon. Geo. T. Jester, President of the Senate:

Sir: I am directed by the House to inform the Senate of the passage by the House of the following House concurrent resolution:

House concurrent resolution No. 6, providing for the printing of the rules of the House and Senate under the supervision of the House and Senate joint committee on printing.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Hall House of Representatives,  
Austin, Texas, Jan. 25, 1887.

Hon. George T. Jester, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed

House bill No. 49, a bill to be entitled "An act to transfer to the general revenue fund the unexpended balance of the United States direct tax fund remaining in the State treasury on the 2d day of March, A. D. 1897, the same to be used in the payment of the current expenses of the State government."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

#### BILLS AND RESOLUTIONS.

By Senator Turney:

Senate bill No. 87, a bill to be entitled "An act to amend an act of the regular session of the Twenty-third Legislature, entitled an act to provide for the protection of domestic animals, for the creation of a live stock sanitary commission, rules and regulations, to provide penalties for violating the same, and to make an appropriation to carry out the provisions of this act, approved April 20, A. D. 1893."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Turney:

Senate bill No. 88, a bill to be entitled "An act to amend article 5043k of the Revised Statutes of Texas, relating to the Sanitary Live Stock Commission and movement of live stock thereunder."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Gough:

Senate bill No. 89, a bill to be entitled "An act to amend chapter 74 of title D of the Penal Code of the State of Texas, relating to rape."

Read first time and referred to Judiciary Committee No. 2.

By Senator Tillett:

Senate bill No. 90, a bill to be entitled "An act to appropriate and provide for the sale of a portion of vacant and unappropriated land of the State of Texas, and to provide for the sale of a portion of the land appropriated by an act of the Legislature entitled an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale, approved July 14, 1879."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Goss:

Senate bill No. 91, a bill to be entitled "An act to make it penal for any person to permit his hogs, sheep, goats to run at large in any county or subdivision of a county in which the law to prohibit the running at large of such animals has been adopted."

Read first time and referred to Judiciary Committee No. 2.

By Senator Yett:

Senate bill No. 92, a bill to be entitled "An act to amend article 3829, title 85, of the Revised Civil Statutes of 1895, relating to rooms in the Capitol."

Read first time and referred to Committee on Public Buildings and Grounds.

By Senator Gough:

Senate bill No. 93, a bill to be entitled "An act to amend articles 3296 and 3308, chapter 2, of the Revised Civil Statutes of Texas, relating to liens of mechanics, contractors, builders and material men."

Read first time and referred to Judiciary Committee No. 2.

By Senator Lewis:

Senate bill No. 94, a bill to be entitled "An act to amend article 1036 of

chapter 20, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Courts of Civil Appeals."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 95, a bill to be entitled "An act to amend article 976 of chapter 8, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning of mandates in the Supreme Court."

Read first time and referred to Judiciary Committee No. 1.

By Senator Terrell:

Senate bill No. 96, a bill to be entitled "An act to amend chapter 1 of title 29 of the Revised Civil Statutes of the State of Texas, providing for the election and qualification of special county judges in case of absence of regular county judge, or of his inability or refusal to hold court, and providing further for the electing of a judge when said special judge is absent or is unable or refuses to act."

Read first time and referred to Judiciary Committee No. 1.

By Senator Woods:

Senate bill No. 97, a bill to be entitled "An act to amend articles 882 and 883, title 17, chapter 11, of the Penal Code of the State of Texas, in regard to the theft of animals."

Read first time and referred to Judiciary Committee No. 2.

By Senator Woods:

Senate bill No. 98, a bill to be entitled "An act to amend title 10, chapter 1. of the Revised Statutes, by adding thereto articles 189a and 189b and 198a, in regard to attachments."

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt (by request):

Senate bill No. 99, a bill to be entitled "An act to amend article 4573, title XCIV, chapter 13, of the Revised Statutes of the State of Texas."

Read first time and referred to Committee on Internal Improvements.

By Senator Stone:

Senate bill No. 100, a bill to be entitled "An act transferring to the available university fund the unexpended balance of the United States direct tax fund remaining in the State treasury on the third day of March, A. D. 1897, and appropriating the same to the construction and completion of buildings and in making of other permanent improvements of and for the university."

Read first time and referred to Committee on Finance.

By Senator Morriss:

Concurrent resolution No. 4, to authorize the removal of the General Land Office into the capitol building, and to appropriate money for such removal."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Dibrell:

Resolved, That 600 copies of the Senate Journal be printed each day for the use of the Senate and House of Representatives; and that 10 copies thereof be laid on the desk of each Senator each day.

Adopted.

Call concluded.

#### IN SENATE.

House concurrent resolution No. 6, providing for the printing of the rules of the House and Senate under the House and Senate Joint Committee on Printing.

Read and referred to Committee on Rules.

House bill No. 59, to be entitled "An act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the 2d day of March, A. D. 1897, the same to be used in the payment of the current expenses of the State government."

Read and referred to Committee on Finance.

Senator Stone called up

Senate bill No. 12, to be entitled "An act making an appropriation to defray the contingent expenses of the Twenty-fifth Legislature,"

Which had passed the House with the following amendment:

Amend by striking out "thirty thousand" in section 1, and inserting "twenty thousand."

Senator Stone moved that the Senate concur in the House amendment.

Concurred.

#### SPECIAL ORDER.

The Chair laid before the Senate, on second reading (see Journal of Thursday, January 21)

Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries and for injuries resulting in death shall be instituted, and to fix the period of limitation in such action,"

Bill ordered engrossed.

## BILLS ON SECOND READING.

The Chair laid before the Senate, with committee amendments,

Senate bill No. 22, a bill to be entitled "An act to amend title 17, chapter 3, of the Penal Code of the State of Texas, by adding article 794a after article 794 of said chapter, for the purpose of preventing stock from running at large in counties, districts and subdivisions of counties where stock are forbidden by law from running at large, and to provide a penalty therefor."

Action being on the adoption of the committee amendments, the first was read, to-wit:

(1) "Amend by striking out the words 'or negligently' and inserting in lieu thereof 'and knowingly.'"

By Senator Goss:

Amend by striking out the words 'wilfully and.'

Senator Gough made the point of order that a committee report could be neither amended nor substituted.

Sustained.

The second committee amendment was then read, to-wit:

"(2). Amend article 794a by inserting in line 15, after the word 'large' the following: 'Or if any person shall take from the possession of anyone who has impounded said stock, or take them for the purpose of impounding without the consent of said person.'"

On motion of Senator Woods, the committee report (see amendments 1 and 2) was adopted.

(Senator Gough in the chair.)

By Senator Goss:

Amend by striking out the words "wilfully and."

Lost.

By Senator Dibrell:

Amend by adding after the word "take," in line 15 of the committee amendment, the letter "n," and after the word "them" in line 16 of the committee report, the word "up," and by placing after the word "impounding," in line 16, a comma.

By Senator Morriss:

Substitute for the amendment: Amend by substituting the following for the second amendment, line 13 to end of committee amendment, "or if any person shall take from the pound keeper any stock that have been impounded without the consent of said pound keeper."

Lost.

The amendment (Dibrell's) was then adopted.

By Senator Goss:

Strike out the word "if" in line 14 of the committee amendment and insert the word "who" after the word "person" in same line.

Adopted.

Bill as amended ordered engrossed.

Senator Harrison moved to adjourn until 10 a. m. to-morrow.

Lost.

(Lieutenant-Governor Jester in the chair.)

The Chair laid before the Senate

Senate bill No. 15, a bill to be entitled "An act to amend article 2601, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas,"

With committee amendments to-wit:

First. By adding to the caption "Relating to bonds of guardians and sureties thereon."

Second. By adding to section 1 the following: "And provided further, that the county judge shall not accept or approve any bond signed by any such corporation as surety, unless such corporation has complied with all the provisions of title XXI, chapter 16, Revised Civil Statutes of Texas, or other laws governing such corporations."

Third. By adding to section 1, after the word "State," in line 28, "or foreign corporations permitted to do business in this State."

Fourth. By striking out section 2.

Senator Boren moved that as the author (Rogers) of the bill was absent, that further action be postponed.

Carried.

The Chair laid before the Senate

Senate bill No. 31, a bill to be entitled "An act to amend article 838, chapter 6, title 17, of the Penal Code of the State of Texas, defining the crime of burglary,"

Bill read second time.

Senator Goss moved to adjourn until 10 a. m. to-morrow.

Lost.

By Senator Presler:

Amend in lines 14 and 15, section 1, article 838, by striking out the words "or the crime of theft."

Lost.

By Senator Tillett:

Amend by striking out in lines 12 and 13 "at night, or in like manner by entering a house at any time."

Pending action,

On motion of Senator Dibrell, the Senate adjourned until 10 a. m. to-morrow.